

From the INTERNATIONAL BUREAU

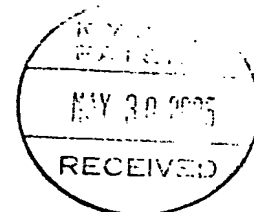
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**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 72.2)

To:

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JAPON



Date of mailing (day/month/year) 26 May 2005 (26.05.2005)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 143346-026	
International application No. PCT/JP2003/012371	International filing date (day/month/year) 26 September 2003 (26.09.2003)
Applicant TOTO LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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Translation

PATENT COOPERATION TREATY

PCT/JP2003/012371



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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 143346-026	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/012371	International filing date (day/month/year) 26 September 2003 (26.09.2003)	Priority date (day/month/year) 27 September 2002 (27.09.2002)
International Patent Classification (IPC) or national classification and IPC C04B 33/02, 33/28		
Applicant TOTO LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 22 January 2004 (22.01.2004)	Date of completion of this report 18 May 2004 (18.05.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/012371

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-19 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 2-5, 7-23 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ 1, 6 _____ received by this Authority on _____ 26 April 2004 (26.04.2004)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1-3 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 24 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: I. 4

The delimitation³ of a "water content of less than 20% by weight" in claim 24 establishes an upper limit that is not disclosed in the claims, the description or the drawings of the present international application as filed (hereinafter, 'the description as filed'); therefore, said disclosure does not correspond to an amendment that is made within the scope of the description as filed.

In addition, the "greenware pieces" that are indicated in Box V cannot be considered to be well-known technology that is clearly defined by the disclosure pertaining to the water content; therefore, the aforementioned delimitation cannot be considered to be a "disclaimer" which was made in order to fulfill the requirement of novelty.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 3, 6-11, 13-21, 23	YES
	Claims	1, 4, 5, 12, 22	NO
Inventive step (IS)	Claims	2, 3, 6-11, 13-21, 23	YES
	Claims	1, 4, 5, 12, 22	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 2982914 B2 (Toto Ltd.), 29 November 1999

Document 1 cited in the international search report discloses "greenware pieces, preferably having a water content between 20-25%", which are disposed within the casting mold in advance and are integrated via cast coating with a slurry when forming sanitary porcelain by cast molding an earthen slurry. In the light of the disclosures of document 1, the greenware pieces are considered to contain similar aggregates of a base material powder for a sanitary porcelain material as are found in the slurry.

Claims 1, 4, 5, 12 and 22

A comparison of the "composition for a sanitary porcelain material" from the inventions set forth in the present application and the abovementioned "greenware pieces" shows that they nominally differ in that the former composition "is used in the production of a slurry for cast molding," whereas the latter pieces are "used for cast coating."

An investigation of this difference on the basis of the disclosures in the description of the present application and in document 1 showed that the

aforementioned difference can be considered to be a difference in the applications of the compositions, but cannot be considered to correspond to a difference in the natures of the compositions.

Consequently, the inventions set forth in the abovementioned claims of the present application are considered to lack novelty under the provisions of the PCT Preliminary Examination Guidelines (IV-7-6).

Furthermore, as a material, the "sanitary porcelain" from the inventions set forth in the present application is considered to be substantially the same as a material produced by means of prior art production methods such as that which disclosed in document 1.

Consequently, the inventions set forth in the abovementioned claims of the present application lack novelty.

Claims 2, 3, 6-11, 13-21 and 23

The "composition for a sanitary porcelain material, which has a water content of 9% by weight or less," the feature of "obtaining a composition for a sanitary porcelain material by molding a slurry for cast molding and then dehydrating and drying the slurry," the feature of "re-converting the composition for a sanitary porcelain material into a slurry by adding water thereto and stirring," and the "application wherein the composition for a sanitary porcelain material can be used to produce a slurry for cast molding" are not disclosed or suggested in any well-known document.

Consequently, the inventions set forth in the abovementioned claims of the present application are novel and involve an inventive step.